

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ZINDY CARTER,

Civil No. C06-5495RBL

Plaintiff,

vs.

ORDER FOR REMAND

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant

Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision in regard to Plaintiff's applications for SSI under Title XVI and for disability insurance benefits under Title II of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social Security for further administrative proceedings. On remand, the ALJ will: hold a de novo hearing, reevaluate the evidence, further consider the opinion of Dr. Deutsch and explain the weight assigned to his opinion. The ALJ should address claimant's asthma and medical opinions regarding her asthma and determine whether claimant's asthma is aggravated by failure to follow prescribed treatment. The ALJ should give specific and legitimate reasons for rejecting any part of Dr. Deutsch's opinion. The ALJ should reassess claimant's RFC and obtain vocational expert

1 testimony. If the ALJ finds the claimant is disabled, the ALJ should determine whether drug
2 addiction is a contributing factor to a finding of disability.

3 The parties stipulate that this remand be made pursuant to sentence four of 42 U.S.C.
4 § 405(g), and that Plaintiff will be entitled to reasonable attorney fees and costs pursuant to
5 28 U.S.C. § 2412(d), upon proper request to this Court.

6 Judgment is for the Plaintiff and the file shall be closed

7 DATED this 15th day of March, 2007.

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15 RONALD B. LEIGHTON

16 UNITED STATES DISTRICT JUDGE

17 Recommended for Entry:

18 /s/ J. Kelley Arnold
19 UNITED STATES MAGISTRATE JUDGE

20 Presented by:

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